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a speaker in operational connection with said audio component, said speaker being

adapted to be mounted forward of said seat.--

#### REMARKS

Claims 1-8 stand rejected under 35 USC 103(a) as unpatentable over Murayama in view of Parts Express 1998 Catalog, page 260. This rejection is mooted by the cancellation of claims 1-8. Claims 1-20 have been cancelled and new claims 21-28 have been added.

Murayama discloses an audio system for a motorcycle but which lacks a capacitor. The Parts Express catalog is cited for teaching a capacitor for use with a sound system. Actually, Parts Express teaches "Car Stereo Power Supply Capacitors" which is no more than has already been disclosed by Applicant at page 4, lines 14-20 of his specification. It is impermissible hindsight to combine Murayama, which does not mention capacitors (or power or peak performance) but teaches on its face a complete sound system, with the Parts Express reference, which teaches capacitors for *car* audio equipment. Moreover, the capacitors shown in Parts Express weigh 3 pounds and are 3" X 8 1/2", a large load for a sportsbike. Thus, even if it were *obvious to try* to improve performance of a sound system on a sportsbike by adding a capacitor, which Applicant asserts is not obvious, it is not *obvious how to do it*. Those of ordinary skill in the art would not necessarily have come to the same solution as Applicant has in placing the capacitor and audio component in the interior of a cowling behind the seat of a sportsbike, as claimed by Applicant (Murayama does not show any part of the rear of a motorcycle), while placing the speakers forward of the seat.

The office action also identifies several parts of Murayama's sound system as being in the "cowling." Murayama does not use the term "cowling" and shows no part of the rear of the

motorcycle. He does refer to the “front cowl” as the place where various components are located. Applicant clearly refers by name and reference number 34 to a “cowling” shown located behind the seat of the rider. Applicant is entitled to be his own lexicographer. The term “cowling” is used consistently in the present specification and identified in the specification to be a housing behind the seat of the rider in the specification and not elsewhere, such as the fairing. The amendments to the claims make it clear that Applicant’s cowling is behind the seat.

Claims 9, 10, 14-16, 19 and 20 stand rejected under 103(a) as unpatentable over Popular Mechanics, December 2000 issue, page 152. These claims have also been cancelled, making this rejection moot.

The Popular Mechanics reference does not describe the device in enabling detail other than to say that it is a wireless radio mounted to a rack on the back of a motorcycle. There is no indication that the wireless is connected to the motorcycle’s battery, if it has one, and, indeed, there is an indication that the wireless is not so connected because it is said to “not interfere with the operation” of the motorcycle. There is also no cowling inside of which the wireless can be placed and no indication of a speaker forward of the seat for audibilizing the wireless telegraphy signal, or how the speaker would be attached.

Claims 11-13, 17, and 18 stand rejected under 35 USC 103(a) as unpatentable over Popular Mechanics in view of Murayama. These claims are also cancelled, thereby mooting this rejection.

This combination, cited to show the obviousness of the invention from the substitution of the audio components taught by Murayama for the wireless telegraphic unit on the rear rack of the motorcycle as described in the Popular Mechanics article, does not teach applicant’s invention, as now claimed. Applicant also disclosed sound systems rearward of the seat of

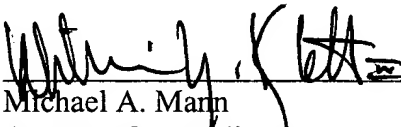
touring bikes in his specification, on page 3, lines 15-20. Furthermore there is no motivation to make such a substitution in a sportsbike.

The present invention, as claimed is an improvement to sportsbikes in which the audio component, boosted by a capacitor, is placed in a cowl rearward of the seat. None of the prior art references, alone or in combination, discloses, suggests, or makes this invention obvious.

In view of the foregoing amendments and remarks, Applicant believes that the present application is in condition for allowance and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the Attorney for Applicant at the telephone number provided below.

Respectfully submitted,

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